

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANDREW RAGAGLIA,

Plaintiff,

-vs-

ANSWER TO COMPLAINT

PONTILLO'S PIZZERIA-GATES,
PONTILLO'S PIZZERIA-SPENCERPORT
JOE STEPHENS, ET AL.,

Index No.
Civ. No. 6:19-cv-06006

Defendants.

Defendant Joe Stephens ("Defendant"), by and through his attorneys, Cristo Law Group, LLC d/b/a Trevett Cristo, for his answer to the complaint of the plaintiff herein (the "Complaint"), states as follows:

1. Admits so much of the allegations contained in the Complaint as allege that Delivery Drivers, including Plaintiff, were not paid minimum wage by defendants and were not reimbursed for using their own cars for deliveries.

2. Except as expressly admitted herein, denies each and every allegation contained in paragraphs numbered "1" through "43", "45" through "88", and "90" through "92" of the Complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraphs numbered "44" and "89" of the Complaint, and therefore denies same.

5. Affirmatively avers that Delivery Drivers for the businesses operating the Pontillo's pizza restaurants in Gates and Spencerport during the relevant time periods, including Plaintiff, were independent contractors.

6. Denies each and every allegation contained in the Complaint not hereinbefore expressly admitted, controverted or denied.

**AS AND FOR A FIRST AFFIRMATIVE
DEFENSE DEFENDANT ALLEGES:**

7. Pontillo's Pizzeria-Gates and Pontillo's Pizzeria-Spencerport, named as defendants herein, are not legal entities.

8. Pontillo's Pizzeria-Gates and Pontillo's Pizzeria-Spencerport are not "doing business as" names for defendant or any valid legal entity.

WHEREFORE, Plaintiff respectfully requests that the Court dismiss the complaint of the Plaintiff herein, and grant such other and further relief as the Court deems just, proper and equitable.

Dated: February 20, 2019

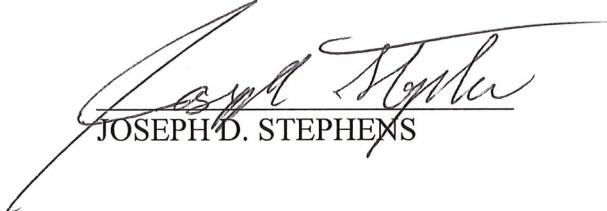
TREVETT CRISTO

By: David H. Ealy, Esq., Of Counsel
Attorneys for Defendant
Two State Street, Suite 1000
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Telephone: (585) 454-2181

VERIFICATION

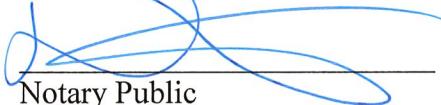
STATE OF NEW YORK)
COUNTY OF MONROE) ss.:

JOSEPH D. STEPHENS, being duly sworn, depose and state that he is the individual named as defendant in the within action; that he has read the foregoing Answer to Complaint and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, he believes it to be true.



JOSEPH D. STEPHENS

Sworn to before me this
20th day of February, 2019



Notary Public